



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES POSTING OF CENSUS BLOCKS IN RATE-OF-RETURN STUDY AREAS WITH DEPLOYMENT BY AN UNSUBSIDIZED COMPETITOR; REVISES INDIVIDUAL CARRIER BROADBAND DEPLOYMENT PERCENTAGES FOR RATE-OF-RETURN CARRIERS REPORTING UPDATES; AND SETS DEADLINE FOR SUBMISSION OF FURTHER CORRECTIONS FOR USE IN 2017 PROGRAM YEAR

WC Docket No. 10-90

As a tool to assist carriers deciding whether to elect the voluntary path to model-based support, the Wireline Competition Bureau (Bureau) has released a spreadsheet that provides the following information for each incumbent telephone company rate-of-return study area: census blocks where an unsubsidized competitor reports the deployment of voice service and broadband Internet access service of 10 Mbps upstream/1 Mbps downstream; the name of the unsubsidized competitor(s) reporting deployment in that block; the technology used by each competitor; the percent of the census block covered by the incumbent rate-of-return carrier; and the land area within the census block in the carrier's study area. This file can be found at: <https://transition.fcc.gov/wcb/OverlapBlocks2016ForPub.xlsx>. This information is based on the December 2015 FCC Form 477 data.¹

In addition, the Bureau is releasing an updated version of the study area deployment figure for each individual rate-of-return carrier. This information first was made public on September 19, 2016.² The version posted today corrects study area deployment figures for a small number of carriers. The updated information can be found at: <https://transition.fcc.gov/wcb/Revised coverage data.xlsx>. The Bureau will be making further updates based on corrections to FCC Form 477 deployment figures received by October 7, 2016. However, due to the need to finalize other calculations based on currently available information, any additional changes to deployment figures based on corrected FCC Form 477 data will not be incorporated in the operating expense limitation for 2017, capital investment allowance for 2017, or the broadband deployment obligations.

In the *Rate-of-Return Reform Order*, the Commission prohibited rate-of-return carriers from receiving Connect America Fund-Broadband Loop Support in areas that are served by a qualifying unsubsidized competitor with service of at least 10 Mbps downstream/1 Mbps upstream and established a challenge process to determine which areas are served by qualifying unsubsidized competitors.³ The

¹ *FCC Releases Form 477 Data on Fixed Broadband Deployment as of December 31, 2016*, Public Notice, WC Docket No. 11-10, DA 16-1035 (WCB rel. Sept. 13, 2016) (retrieved Aug. 29, 2016).

² *Wireline Competition Bureau Announces National Average and Individual Carrier Broadband Deployment Percentages for Rate-of-Return Carriers*, Public Notice, WC Docket No. 10-90, DA 16-1053 (WCB rel. Sept. 19, 2016).

³ *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3131-3139, paras. 116-137 (2016) (*Rate-of-Return Reform Order*).

unsubsidized competitor information provided today *does not* mean that a competitor ultimately will be deemed to serve a particular block after the Bureau conducts the challenge process. As part of that process, competitors will be required to certify that they are offering service to at least 85 percent of the locations in the census block, and must provide evidence sufficient to show the specific geographic area in which they are offering service.⁴ The census blocks identified today are those in which competitor has certified that it is able to serve at least one customer. Thus, the Bureau anticipates that the actual number of blocks deemed served by qualified unsubsidized competitors after the challenge process will be substantially lower than the numbers provided today. The Bureau is posting the information based on December 2015 data solely as a tool for rate-of-return carriers wishing to analyze the possible competitors that may participate in the challenge process in the future. This Public Notice does not commence the challenge process.⁵ As required by the *Rate-of-Return Reform Order*, the Bureau will “utilize the most recent publicly available data at the time it releases the initial Public Notice” when it begins the challenge process at a future date.⁶

For additional information about this Public Notice, please contact Suzanne Yelen at (202) 418-0626 or Suzanne.Yelen@fcc.gov.

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⁴ *Id.* at 3137-38, para. 131.

⁵ The Bureau will be seeking Paperwork Reduction Act approval for the information collection associated with the challenge process. Once that approval is obtained, the Bureau will prepare the preliminary list as specified in the *Rate-of-Return Reform Order*.

⁶ *Rate-of-Return Reform Order*, 31 FCC Rcd at 3133-34, paras. 122-23.